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18 ROKU, INC.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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20 SMARTDATA, S.A.,  
21 Plaintiff,  
22 v.  
23 ROKU, INC.,  
24 Defendant.

25 CASE NO. CV 13-01838 SI

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**STIPULATION CONTINUING CASE  
MANAGEMENT CONFERENCE; AND  
[PROPOSED] ORDER**

[Civil Local Rule 6-1(b)]

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**BACKGROUND**

39 Plaintiff SmartData S.A. and Defendant Roku, Inc. (collectively, the “Parties”)  
40 respectfully ask the Court to postpone the initial case management conference currently  
41 scheduled for September 13, two days from now, as the parties are extremely close to resolving  
42 their differences, and need the extra time to complete negotiations and enter a stipulated  
43 dismissal with the Court.

1 Pursuant to Local Rule 6-2(a)(2), the Parties provide the following information regarding  
 2 previous time modifications in this case. SmartData filed its complaint against Roku on April  
 3 23, 2013. The Parties stipulated for an extension of time for Roku to have through and including  
 4 June 17, 2013 to file its response to Plaintiff's complaint. (Dkt. #5). Roku filed a motion to  
 5 dismiss (Dkt. #10), after which SmartData amended its complaint (Dkt. #19). Roku answered  
 6 the amended complaint on August 19, 2013. (Dkt. #26).

7 The initial case management conference has been continued on two occasions. The first  
 8 stipulated continuation was due to a scheduling conflict. (Dkt. #6). The Parties stipulated for the  
 9 second continuation in order to allow for more time for settlement discussions. (Dkt. #21).  
 10 Those discussions have been successful, as the Parties have engaged in productive settlement  
 11 discussions since stipulating to the continuation in July 2013.

12 The initial case management conference is currently set for September 13, 2013. (Dkt.  
 13 #24). The Parties have agreed on some aspects of an agreement to resolve this matter, and  
 14 believe that additional discussions in September and October 2013 will result in a settlement that  
 15 would dispose of this matter. To that end, the Parties respectfully request that the initial case  
 16 management conference be continued until November 1, 2013 with the other dates set by the  
 17 Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. #2) continued  
 18 accordingly.<sup>1</sup>

19 **STIPULATION**

20 For the foregoing reasons, and pursuant to Local Rules 16-2(e) and 7-12, the Parties  
 21 hereto stipulate, by and through their attorneys that the initial case management conference be  
 22 continued to November 1, 2013, or such later date as is convenient to the Court, with the other  
 23 dates set by the Order Setting Initial Case Management Conference and ADR Deadlines (Dkt.  
 24 #2) continued accordingly.

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 27 <sup>1</sup> The Parties have a phone call with the ADR officer scheduled for September 12 at 2:30 p.m.  
 28 pursuant to their filing of a Need for ADR Phone Call form. The Parties anticipate that if the  
 extra time does not result in the dismissal of this litigation, they will submit a stipulation for a  
 different form of ADR, which will obviate the need for an ADR phone call.

1 IT IS SO STIPULATED.  
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Dated: September 11, 2013  
MOUNT, SPELMAN &  
FINGERMAN, P.C.

LAW OFFICES OF  
LARISA MIGACHYOV

By /s/ Larisa Migachyov

LARISA MIGACHYOV  
Attorneys for Plaintiff  
SMARTDATA, S.A.

Dated: September 11, 2013  
LATHAM & WATKINS LLP

By Richard G. Frenkel

RICHARD G. FRENKEL  
Attorneys for Defendant  
ROKU, INC.

1                   **[PROPOSED] ORDER**

2                   GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

3                   A case management conference will be held on November 1, 2013, and the other dates  
4 set by the Order Setting Initial Case Management Conference and ADR Deadlines (Dkt. #2) are  
5 continued accordingly.

6                   DATED: 9/12/13, 2013

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9                   THE HONORABLE SUSAN ILLSTON  
10                  United States District Judge

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## **ATTESTATION CLAUSE**

I, Richard G. Frenkel, hereby attest in accordance with General Order No. 45.X(B) that Larisa Migachyov, counsel for Plaintiff SMARTDATA, S.A., has provided her concurrence with the electronic filing of the foregoing document entitled STIPULATION CONTINUING CASE MANAGEMENT CONFERENCE; AND [PROPOSED] ORDER.

Dated: September 11, 2013

By Richard G. Frenkel